UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

LARRY CHANEY, et ux.)
DANA CHANEY,)
Plaintiffs,)
v.) No. 3:09-CV-1185
) Judge Nixon) Magistrate Judge Griffin
STATE FARM FIRE AND CASUALTY COMPANY,)
Defendant.)

AGREED STIPULATION

Come now the parties, through counsel, and stipulate as follows:

- 1. The parties have reached an agreement that the Complaint in this matter will not be amended by the plaintiffs, Larry Chaney and Dana Chaney, to seek any recovery under any extra-contractual theory of recovery, including but not limited to recovery under the Tennessee "Bad Faith Statute," T.C.A. § 56-7-105, and/or the Tennessee Consumer Protection Act. In exchange for said agreement, the defendant, State Farm Fire and Casualty Company, will not file a counter claim for recovery of monies paid to the Chaney's mortgagee as required by the policy. The defendant, State Farm Fire and Casualty Company, shall still remain entitled to a set off of any monies paid to the mortgagee in the event a verdict is returned in favor of the plaintiffs.
- 2. The parties further agree that no argument shall be made by counsel at trial of this matter that the defendant, State Farm Fire and Casualty Company, has failed to sue the Chaneys for recovery of the monies paid to the mortgagee.

Respectfully submitted,

s/ Parks T. Chastain

PARKS T. CHASTAIN

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Attorney for Defendant, State Farm Fire and Casualty Company

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s/ Raymond G. Prince

RAYMOND G. PRINCE

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2010, a true and correct copy of the foregoing Agreed Stipulation was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this file through the court's electronic filing system.

Raymond G. Prince, Esquire Prince & Hellinger, PC 150 Second Avenue, North, Suite 300 Nashville, TN 37201-1902

s/ Parks T. Chastain

PARKS T. CHASTAIN

PTC:dmt